



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: CHOU et al

Appln. No. 10/013,548

Date Filed: December 13, 2001

For: ELECTRICAL DRIVING APPARATUS FOR BICYCLE

Art Unit: 3611

Examiner: A. Lerner

Washington, D.C.

Atty.'s Docket: CHOU=18

Date: February 24, 2003

Confirmation No. 1456THE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Sir:

Transmitted herewith is a ☒ REPLY TO ELECTION OF SPECIES REQUIREMENT the above-identified application.☐ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted☐ Applicant claims small entity status. See 37 C.F.R. §1.27.☒ No fee is required.

The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS	RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
TOTAL	*	MINUS	** 20	0	x 9	\$		x 18	\$
INDEP.	*	MINUS	*** 3	0	x 42	\$		x 84	\$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ 140	\$		+ 280	\$
					ADDITIONAL FEE TOTAL			TOTAL	\$

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☐ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

☐ First - \$ 55.00
☐ Second - \$ 205.00
☐ Third - \$ 465.00
☐ Fourth - \$ 725.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

☐ First - \$ 110.00
☐ Second - \$ 410.00
☐ Third - \$ 930.00
☐ Fourth - \$ 1450.00

Month After Time Period Set

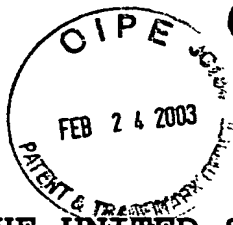
☐ Less fees (\$) already paid for ___ month(s) extension of time on _____.☐ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$.

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: CHOU=18

In re Application of:)	Art Unit: 3611
)	
Kuang-Yuan CHOU et al)	Examiner: A. Lerner
)	
Appln. No.: 10/013,548)	Washington, D.C.
)	
Date Filed: December 13, 2001)	Confirmation No.: 1456
)	
For: ELECTRICAL DRIVING)	February 24, 2003
APPARATUS FOR BICYCLE)	

REPLY TO ELECTION OF SPECIES REQUIREMENT

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

Replying to the Office Action mailed January 2003, entirely in a nature of a requirement for election of species, the applicants hereby respectfully and provisionally elect Species II, as represented by Fig. 6, with traverse and without prejudice. The claims which read on Fig. 6 are generic claim 1 and claims 3-8.

Applicants respectfully traverse the requirement on the basis that the differences between the Species of Figs. 4 and 6 are relatively minor, and consequently it would not constitute a serious burden to examine both species even if the species are patentably distinct from one another. In this regard, applicants respectfully rely on the second paragraph of MPEP 803 **which requires** an examiner to conduct an examination of an entire application, even though the requirement is correct, if such "search and examination of [the] entire application can be made without serious burden."

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Moreover, applicants doubt that the PTO would really consider the two species to be patentably distinct from one another. Applicants believe that if the PTO were to find prior art showing one species, it would not hesitate to hold the other species obvious from the species found during the course of the search. If this is so, then the species clearly should not be held by the PTO to be "patentably distinct". Regardless, what is stated above as regards applicants' reliance on MPEP 803 is sufficient for the requirement to be withdrawn.

Applicants respectfully request withdrawal of the requirement and examination of all of the claims on the merits. Applicants respectfully await the receipt of the results of an examination on the merits.

Respectfully submitted,

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